PLAINTIFFS' PRESS MEMORANDUM

Evans v. Romer trial
October 11, 1993

PLAINTIFFS' WITNESSES:

Tuesday, October 12, 1993:

OPENING STATEMENT: GREG EURICH

1. Wellington Webb: Major of Denver, CO. Major Webb will be questioned about the history of anti-gay and lesbian discrimination laws in Denver; and the need for such protections. (Attorney -- Darlene Ebert, Denver City Attorney).

2. George Chauncey: Assistant Professor of United States History at the University of Chicago. Expert in U.S. social and sexual orientation history. He will focus on the history of pervasive discrimination against lesbians and gays that has occurred in this country. (Attorney -- Jeanne Winer).

3. Leanna Ware: Director of the Wisconsin Human Rights Dept. Ms. Ware will testify that in the state of Wisconsin there is a state anti-gay discrimination law, and that the enforcement of that statute does not interfere with or dilute the effect of the rest of the civil rights laws in the state. (Attorney -- Darlene Ebert, City Attorney's Office).

4. Barbara Tolivar-Locke (if time permits): Compliance officer for the Denver Anti-Discrimination Office. Ms. Locke will testify about the history and enforcement of Denver's anti-gay discrimination ordinance. (Attorney -- Darlene Ebert, Denver City Attorney).

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Wednesday, October 13, 1993

1. Dr. Richard Green: Professor of Psychiatry in residence at the University of California School of Medicine, Los Angeles, CA. Founding President of the International Academy of Sex Research, and past-President of the Society for the Study of Sex. His area of specialty is etiology of sexual orientation, where he is an internationally recognized expert. He will provide testimony that sexual orientation is an "immutable characteristic;" that homosexual orientation is not consciously chosen but rather, that sexual and affectational feelings are a basic part of an individual's psyche and are established at childhood. His opinion will be based on his research, scientific studies. He will testify that attempts to "reorient" sexuality yields exceedingly poor

results. (Attorney -- Jeanne Winer).

2. Dr. Marcus Conant: Renown AIDS expert in the diagnosis and treatment of the disease. Clinical professor at the University of California Medical Center, San Francisco, CA, and adjunct professor at Mount Zion Medical Center, San Francisco, CA. He will testify about the discrimination that gays have faced; that societal animosity towards gays has interfered with the attack on AIDS; that many U.S. doctors still refuse to treat HIV+ individuals; and that such reaction to the disease is very dangerous to the public health. He will also rebut any testimony from the defendants about public health issues. (Attorney --)

3. Judd Marmor, M.D.: Adjunct professor of psychiatry at the University of California, Los Angeles. Dr. Marmor is a Life Fellow and Past President of the American Psychiatric Association, and Past President of the American Academy of Psychoanalysis. The author or co-author or more than 300 scientific papers and six books concerning psychiatry, sexual orientation and human sexuality, Dr. Marmor will testify that homosexuality is not a mental disease, and has not been classified as a psychic disorder since 1973. He will testify that sexual orientation is not something that is learned, but something over which individuals have no choice at all. He will testify that lesbians and gays have suffered social stigma, legal discrimination and physical discrimination, and he will testify about the existence and causes of homophobia. (Attorney -- Jeanne Winer).

Thursday, October 14, 1993

1. Dr. Dean Hamer: Chief of the Gene Structure and Regulation Section of the Laboratory of Biochemistry of the National Cancer Institute at the National Institute of Health, Rockville, MD. Dr. Hamer is most well known in the popular culture for his recent co-authorship of publications on genetics and sexual orientation, including "A linkage between DNA markers on the X chromosome and male sexual orientation," Science 261:320-326 (1993), and "Sequence variation in the androgen receptor gene is not a common determinant of male sexual orientation," American Journal of Human Genetics (1993). Dr. Hamer will testify on the genetic links to sexual orientation and to what degree sexual orientation may be predisposed by genetic makeup. Based on his research, Dr. Hamer will show that sexual orientation is partially an innate characteristic and thus resistant to change. (Attorney -- Jeanne Winer).

2. Professor Kenneth Choral: Full Professor of Political Science at Hunter College and at the Graduate School and University Center of the City University of New York. Professor Choral will provide testimony to show that gays and lesbians are peculiarly disadvantaged, and are a "politically powerless" minority who have

great difficulty in gaining access to the political process to redress their grievances through the national political system. (Attorney -- Jeanne Winer).

3. Dr. Carole Jenny: Director of Medical Programs, C. Henry Kempe National Center for the Prevention and Treatment of Child Abuse and Neglect, Denver, CO, and visiting Associate Professor of Pediatrics, University of Colorado School of Medicine and Director of the Child Advocacy and Protection Team, The Children's Hospital. Dr. Jenny will address one of the arguments that has been offered by the state as a "compelling state interest;" "to protect the physical and psychological well-being of our children." Dr. Jenny will rebut the allegation that homosexuals are more likely to most children than heterosexuals. She will testify that there is no valid empirical evidence to support this claim, and she will testify to a recently conducted study that reveals an extremely low incidence of sexual assault on minors by homosexual perpetrators. (Attorney -- Greg Eurich)

Friday, October 15, 1993

1. Professor Martha Nussbaum: University Professor and Professor of Philosophy, Classics and Comparative Literature, Brown University. Professor Nussbaum will testify in rebuttal to the State's experts in areas concerning moral philosophy, political theory, or the moral or philosophical basis of any laws (including Amendment 2) (and specifically concerning the theories of morality or natural law advance by the following State witnesses: John Finnis, Robert George, Hadley Arkes, Harvey Mansfield, Barry Gross, Robert Duncan, and David Novak). Professor Nussbaum will testify that in reality the basis for the theories advanced by the State in opposition to homosexual conduct are based in a particular reading of Christian religious doctrine. (Attorney -- Greg Eurich).

REBUTTAL WITNESSES

1. Leslie Durgin: Major of Boulder, CO. Major Durgin will be questioned about the history of the anti-gay and -lesbian discrimination laws in Boulder; and the need for such protections. (Attorney -- Boulder City Attorney's office).

2. Professor Jerome Culp: Duke University Law School, Durham, NC. Professor Culp will testify concerning the enforcement of legal provisions that prohibit discrimination in housing or employment against gay and lesbian persons. He is also expected to offer rebuttal testimony in response to any of the State's experts who testify concerning the proper scope of civil rights provisions or the policy basis, moral basis, or legal meaning of existing civil rights provisions such as the Civil Rights Act of 1964. (Attorney -- Greg Eurich)

3. Joe R. Hicks: Director of the Southern Christian Leadership

Conference of Greater Los Angeles, and Executive Vice President of the Martin Luther King Legacy Association, Los Angeles, CA. Mr. Hicks is recognized as one of this country's leading advocate for the protection of African-American civil rights. He will testify that the prohibition of discrimination against lesbians and gays is compatible with and may advance protection of the civil right of all minority groups. He will further testify that protecting the civil rights of gays will neither erode nor weaken the legitimacy of laws protecting individuals on the basis of race. (Attorney -- Greg Eurich)

4. Professor Burke Marshall: Nicholas Katzenbach professor of law emeritus and David Crawford professorial lecturer in law at the Yale Law School, New Haven, CN. Professor Marshall is expected to testify concerning the principles underlying existing federal civil rights statutes in policy and law that protect individuals on the basis of race or ethnicity. In particular, he is expected to testify in rebuttal against any oaf the defendants' experts who state that protecting gay men and lesbians from discrimination is somehow inconsistent with the moral, legal, philosophical basis of these civil rights statutes that afford protection on the basis of race and ethnicity. (Professor Marshall was in charge of the Civil Rights Division of the Justice Department during the Kennedy and Johnson administrations, and played a central role in insuring the passage of the major civil rights laws of this century). (Testimony by videotape deposition).